G. R. S. 501

GENERAL AND REVENUE SECRETARIAT.

1909-10
(Munsif)

File No. 160 of 1909

Serial Nos. 1 - 5

Papers Filed.

Month August 1912

SUBJECT.

Petition of J. B. Fernandes of Mangalore stating complaining that he has been prohibited to take water from a well in the Munsif Park at Mangalore

PREVIOUS REFERENCES.	LATER REFERENCES.
H. Pitchumani 19/8/12	

GRS 11] 1909 -10

GENERAL AND REVENUE SECRETARIAT

(Municipal)

NOTES

File No 160-09

FILE HEADING

Petition of J B Fernandes of ~~Mangalore~~ Hassan

From

J. B. Fernandes, Hassan

Letter No Dated 16-2-10 Received 17-2-10

Diary No 5687 | Enclos | Spare Copies | Serial No 1

BRIEF ABSTRACT OF LETTER

Complains that he has been prohibited to take water from a well in the Municipal Park at Hassan on the score that he is Christian and prays that ~~regarding~~ the matter may be enquired into and the restriction removed

NOTES AND ORDERS

Secretary's order on the petition.—

"Any references here? Call for an immediate report from the Deputy Commissioner Submit draft to 1st Councillor.

Init C S B 17/2/10

Notes—First sheet

GPB—,0 000—3 4 07

G. R. S. 12]
General and Revenue Secretariat

(2)

In File No. 160 of 1909

Serial No.	
	Submitted, 2 No reference has been received on the subject. Draft calling for report as submitted Bbn 17/2/10 HWW 18 Cr 17 2 10 JWW
1138 18 2 10	3 Approved – a similar question arose in Bangalore some years ago and some orders were passed by GoI to the effect that Conversion to Christianity would not involve the deprivation of civil rights previously enjoyed by the person concerned. Please trace this order HWW 18/2/10 Mr
	4 / Issue 2. note 18 2 10 JWW
	1/2. To the Dy Commr, Bassein Dt No 739 dd 24.2.10 5. Forward Sl No 1 for a brief report 6 The file relating to the subject referred to in the 1st Councillor's note above has been traced and put up. Hafiz 7 Submitted for orders. Bbn 5/3/10 8 The receipt of the

Note—Contin. sheet.

GPS—35,000—27-4-09

Serial No.

report from the Deputy Comr may be awaited A reminder will be issued to him to-day
(1st Cr) 8-4-10 Jelly

1692
8 4 10

9 In the meantime please submit the file to the Dewan for perusal
10. Attention is invited to G.O. order of 13th Dec 1893. —
RM
8/4/10
Mg
11. Submitted per perusal
Dewan 9-4-10 Jelly

5487
12-4-10

12) Dewan 10th July 10

13) The report from D.C Hassan has evidently not been received yet- & he being reminded
Mg
6/8/10

14) The report from the Dy Comr Hassan has not yet been received, He was reminded for it on the 20th July 1910 for the
Mg 3rd time
6/8/10
Secy) 8 8-10 Jelly

15) Seen Mg 8/8/10
Jelly 9 8

NOTE.—Contn. sheet.

GPS—1500—17-4-09

Serial No.	
	16) In this case no reports have yet been received in spite of 10 reminders issued. Submitted for orders with draft TSLG 11/7/12 17) Issue if no reply is received within a month the file both ways to be submitted to the Secy 12.7.12
3	18) To Dy Comr Kasaragod No. 627 d 17 July 12. Requests him to expedite the submission of information called for.
4	19) From the Deputy Comr Kasaragod No. 31 d 24th July 12. (D 645) Reports that according to an order passed in May 1897 by the then Dy Comr Mr Baly Ramunny, the well in the park was set apart for the exclusive use of the brahmins of the Hosadurga, other wells having been sunk & allotted for other Communities, that as the water in the well of the

GPB—1,000—27-4-09

Serial No.

park was very low so much so that the water in it was not sufficient even for those who habitually drew water from it, another well was sunk in the Ind park at a cost of Rs 864-0-0 odd, that this latter well which gave an abundant supply of water was made available for all classes of the townspeople without any restriction & that there was no idea on the part of any of the officers of the municipality to show any sort of indignity or ill treatment towards any particular community or caste as alleged by the petitioner who stayed temporarily at Hassan for a few months

20) Submitted for orders as to whether in the circumstances the correspondence may be finally recorded

TS 6/9
31/7/09 21) Submitted to the 2nd Asst Secretary to Govt for perusal before being filed

SPL
31-7-09

Note—Contin. sheet

G. R. S 12]

General and Revenue Secretariat | Pol File No. 160 of 1919

Serial No

22) Pol Think the shd. have letter a reply hereafter as it's reply.

5/8/12

23) Clean put up draft accdg. 6/8/12

24) Draft & endts submitted

25) It is not known where the addressee is now having the endts may be sent through the Sig. Comm. who may perhaps know where he is now living

8.8.12

26) Issue

8-8-12

27) To Mr J. D Fernandes through the Sig Commissioner No 135 od 12.8.12. Informed him in detail of the circumstances & that there was no idea on the part of any of the officers of the Govt to show any sort of incivility or disrespect towards any particular Community or Caste & always to treat

NOTE—Contn. sheet.

GPB—65,000—17-6-13.

G.R.S 34]

No. 7397 mnl 160-09

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

(Municipal)

Office Memorandum.

To

The Deputy Commissioner, Hassan District

the 24th February 1910.

Copy

The accompanying Petition Reg No 5687 received from Mr I. B. Fernandes of Mangalore residing at Hassan complaining that he has been prohibited from taking water from a public well situated in the Municipal Pettah at Hassan, is forwarded to the Deputy Commissioner of the Hassan District for the submission of a very early report in the matter.

The Petn should be returned

By Order,

[illegible]

for Offg. Secy

24/2

[illegible]

[illegible]

MGCPB—6,000—16-5-08

G R. S 26]

Cons

File No 09

Serial No 3

Diary No of letter replied to 568-09

No. 627

Rev 160-09 -- 9/7/12

General and Revenue Secretariat

(Rev)

, the *191*

To

The Dy Comr

Kasaragod

Sir,

Date of issue 17/7/12

Signed by Jr LDC

I am directed to request you to be so good as to expedite the submission of the report called for in this office memo no. 7397 dated 21st July 1910 (Rev 160-09)-2

/over

SUBJECT

on the petition of Mr
J. D. Fernandes of Mangalore
praying that he has been
hindered from taking
water from a public
well situated in the ward
Parish of Kaccam with
explanation for the
unfortunate delay & praying
to send replies to the
Reminders issued in
the Case, which called for

Thanks

SPM

Jr Secy

Dr 69

[illegible]

List of enclosures,

Copied by CS 15/7

Examined by [illegible] 16/7

GPB—85,000—8-8-11

19 12-13.

From P.A.W.Wetherall Esquire,

Deputy Commissioner,

Bowsam District.

To

K.R.Srinivasa Iyengar Esquire,M.A.
Offg.Secretary to the Government of
His Highness the Maharaja of Mysore
General and Revenue Department

BANGALORE.

Dated 24th July 12.

Despatched 26th July 12.

Received

General No 31

No. 8.

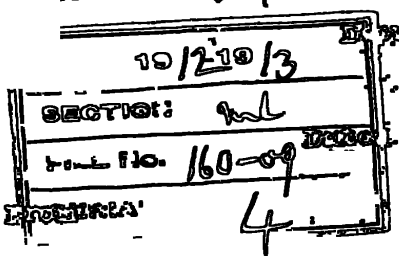
Enclosure No. One

SUBJECT.

Submitting a report on the petition of Mr J.B Fernandez of Mangalore Complaining that his servant was prevented from taking Water from the Municipal Public well at Hassan

GPB—50,000—8-12-11

DIARY No. 645



From

The Deputy Commissioner's Office,

Hassan District.

Dated Hassan the 24th July 1913.

P.R.V.Wetherall Esquire,

Deputy Commissioner,

Hassan District.

To

K.L.Srinivasa Iyengar Esquire,M.A.,

Offg.Secretary to the Government of,

His Highness the Maharaja of Mysore,

General and Revenue Departments

BANGALORE.

Sir,

With reference to your letter No 627/M.L.160-09-3 dated the 17th instant requesting me to expedite the submission of the report called for in your Official Memorandum No.7397/M1.160-09-3 dated 24th.February 1910 on a copy of the petition received from Mr.T.B.Fernandes of Mangalore, who was staying at Hassan, complaining, that he has been prohibited from taking water from a public well situated in the Municipal Park at Hassan and calling for a report in the matter,I have the honor to state as follows.-

2. On receipt of a letter dated 27th.September 1909 from Mr.Fernandes bringing to notice that his servant was prevented from taking water from the drinking-water well in the Park at Hassan,a copy of the same was forwarded to the Vice President for report,and Mr.Fernandes was informed of the same by an endorsement from this Office dated 7th.October 1909.

3. The Vice President reported that as he was informed that Christians were found using this well,and as it was apparent from a Register entry that they were prohibited from so doing in accordance with the Order of Mr.B.G.Krishnaiengar, then Deputy Commissioner and President of Municipalities, passed on the 3rd. May 1897, he directed the prevention of Christians from using this the only drinking -water well in the Park.As the old file of correspondence containing the above mentioned Order passed by

Mr.

Mr.B.G.Krishnaienger not found on search in this Office, the Vice President was required to have the old records of his Office searched with a view to tracing the required file of correspondence.

4. The year 1908-09 was a year of prolonged drought, and consequently the Hassan Town people had much difficulty in procuring good drinking water. In the Park well in question, water was very low, so much so that the supply was not sufficient for those who habitually drew their supply of drinking water from it. On consideration of this fact it was decided in consultation with the Municipal Members to sink another well in the Municipal Park. Accordingly the work was put in hand, and a large well at a cost of Rs.864-8-3 was sunk at the opposite extremity of the Park. An abundant supply of very good drinking water was there procured, and this well was made available for all classes of the Town people without any restriction.

5. Thus Petitioner's complaint was redressed, and pending completion of this new well in the Park, he was obtaining drinking water from another well concerning which there was no class restriction.

6. After a prolonged search the required file of correspondence containing Mr.B.G.Krishnaienger's Order dated the 3rd.May 1897 was found, on a reference to which it is seen that there was a similar complaint concerning the use of this well in the Park by a Christian family in April 1897. Mr.B.G.Krishnaienger then Deputy Commissioner and President of Municipalities, after considering the matter, passed a final order to the effect that the well in dispute be set apart for the use of the community for whom it was originally constructed, viz, the Brahmins of Hosa Agrahara who stood much in need of a drinking water well. It may be also here mentioned that other wells had been sunk and allotted by the Municipality for other communities. Copy of Mr.B.G. Krishnaienger's order dated 3rd.May 1897 is herewith submitted.

7. A consideration of the above facts will show that there

was no idea on the part of any of the Officers of the Municipality to show any sort of indignity or illtreatment towards any particular community or caste, as was misapprehensively accredited by the petitioner, who is a native of Mangalore and was only temporarily staying in Hassan for a few months.

8. As it was necessary to have the old file of correspondence containing Mr.B.G.Krishnaiengar's order traced and produced for perusal, it is regretted that this report on the subject was not earlier submitted.

I have the honor to be,

Sir,

Your most obedient servant

Deputy Commissioner,

K.S. Hassen District.

Memo Ewe & wl 160-09/d 4

The Reverend E W Redfern of the Wesleyan Mission having Complained that one of the Christians of his Congregation a washerman by Caste (formerly) had been denied the use of the Park well at Hosur, I called for a report on the matter.

From the memo and the records Submitted by the Vice President Mr. Paramasivaiyer, I find that the Site, on which the well is Situated and which belonged to certain Parahs, Contained a Small well, which, late was acquired and enlarged into the Park well in question for the use of the Brahmins of Hosaagrahara at a cost of Rs 706-8-0, (Vide Mudchalikas of Ethyappa and Chidambaram dy 27.7.87 and 27-9-87).

Another well also Situated in the Park ground and used by Christians was acquired from the Reverend Rao on payment of Compensation (Vide Mr. Parmaiya's letter no 1032 dated 9.5.93 addressed to Government and Reverend Rao letter dated 29.10.92) for the use of the residents of Basettihalpet and Arabpett, but the well having dried up, a new well has now been excavated by the municipality in its Site close to this well.

Sanction was obtained from Government to excavate a third well for the use of the

Christian Community and its construction was entrusted to the Reverend Rice (Vide Govt Proceedings. No. 4869-10 dated 7th September 1893). The municipal Board Grant Rs 425/- upon this well.

The well intended for the Brahmin Community of Aroaragudu was completed in 1886 and was being used by the Aroaragudu people. In 1893 the well, purchased of Mr. Rice and which was still used by the Christians, as the well intended for them, had not been completed, having dried up, the Reverend Rice requested Mr. Purnaiya to allow the Christians to draw water from the Brahmin well pending the completion of his own well. Mr. Purnaiya allowed the Christians to get their supply of water from the well temporarily on certain conditions said to have been laid down by the then Vice President Assistant Surgeon Mr. Krishna Swamy Iyer. What these conditions were, are not clear from the record, but I am informed that the water was directed to be drawn by some caste people and supplied to the Christians

Shortly after this, flower beds were laid out, trees planted in the Park, and pending other arrangements, the water of the Brahmin well was used for this purpose also. Owing to the employment of Pariah Servants in the Park who were allowed to draw water for trees etc, the Brahmins are said to have refrained from using the water altogether. Since then, the well came to be used

used by all miscellaneous classes.

The Brahmins did not however cease to complain in this respect and pending other arrangements for the Park purposes, the question remained unsettled

In January last arrangements were made to supply water to the Park from the Kattamkeé tank and the exclusive use of the well was restored to the agrahar Brahmins who claimed the same.

The Rev. Redfern claims the use of the well for one of his Christian families on two grounds.

The Christian family having used the well heretofore, they have a right to do so for all time to come.

2. This family who claim to have been outcastes before their Conversion to Christianity, they have equal rights in the other Caste people to draw water.

As to the 1st ground, it is clear from the above Summary of the case that the use was permissive and conditional in the beginning. After the completion of the Christian well (No 3) they generally resorted to their own well, one of the Christian families that lived in the town seems to have drawn their supply of water from the Travellers' Bungalow well and subsequently from the well in dispute, as it came to be used by people other than Brahmins. They have now left the place. The present claimant who is a

a recent arrival in the town has been making use of the water for the last few months. Under such circumstances the right cannot be considered indefeasible. It cannot go to set aside vested interests which were held in abeyance under peculiar circumstances.

The 2nd ground is also untenable. It is within the powers of the municipality to construct and allot wells for the use of particular sections of the community. In the present case wells were constructed for the use of different communities and the Christians were given a distinct well at a cost of Rs 4-2-8/-. So also other classes of Boyas, Kottars and Arbéyers.

This well under dispute having been constructed for the new agrahar Brahmins and its permanent use having been only temporarily interrupted for municipal purposes, no other community can put forward any valid claim to it.

I, therefore, direct that the well in dispute be set apart for the use of the Community for whom it was originally built namely, the Brahmins of Uzagrahar who stand much in need of a drinking water well.

27. 3 5-97. Signed. B. G. Krishnaswamy.
By Commissioner's President.
Town Boards
Madras

"Copy"
H. W. Nicholas
Dy. Commissioner
Madras District

G.R.S 34] 645 7171-2-0 ✓ ab 7

No 1350 md 66009-5

GOVERNMENT OF H. H THE MAHARAJA OF MYSORE

General and Revenue Secretariat

( )

Office Memorandum.

To

the 12. 8. 1912.

With reference to his petition dated the 16th July 1910 complaining that he was prevented from taking water from a public well in the municipal park at Hassan, one T.B. Fernandis of Mangalore, now residing at Hassan is informed that the Dy Comm.r reports that in 1897 a certain well in the park was set apart for the exclusive use of brahmins of Hoysalagrahar who stood much in need of a drinking water well, other wells having been sunk & set apart for other communities, & that as in 1909 the water in the well at the park was so low that

GPB—10,000—18-8-10

the water therein was not sufficient even for those who habitually drew water from it, another well was sunk at a cost of Rs 914/- & made available for all classes of the town people without any restriction & that there was no idea on the part of any of the officers of the municipality to show any sort of undignity or ill-treatment towards any particular community or caste as alleged in the petition

By Order

Sd/-

for Secy

TD69
7/8/12

Through the Dy Commissioner Kozhikode

DC

Copy 10/8/12

10/8/12